

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 14 and 17-27, 29, 31, 33 and 34 are now pending, wherein claims 14, 17, 24, 27, 29-31 and 34 are amended and claims 15, 16, 28, 30 and 32 are canceled.

Claim 34 is objected to for introducing new matter. This claim is amended in the manner suggested by the Office Action, and accordingly withdrawal of this objection is respectfully requested.

Claims 14, 18-22 and 24-26 are rejected under 35 U.S.C. § 103(a) for obviousness in view of U.S. Patent No. 6,680,694 to Knockeart et al. ("Knockeart"). Claims 15-17 and 27-32 are rejected under 35 U.S.C. § 103(a) for obviousness in view of the combination of Knockeart and U.S. Patent No. 6,034,598 to Barry et al. ("Barry"). Claim 23 is rejected under 35 U.S.C. § 103(a) for obviousness in view of the combination of Knockeart and U.S. Patent No. 6,823,258 to Ukai et al. ("Ukai"). These grounds of rejection are respectfully traversed.

Applicants' claim 14 is amended to clarify several distinctions over the current grounds of rejection. Specifically, claim 14 now recites that the:

1. communication device includes "a unit that generates position-related information about entering and leaving toll roads, the position-related information being used to bill for use of the toll road";
2. messages are automatically transmitted "in response to driver actuation of the direction-of-travel indicator operating element" where "the direction-of-travel indicator operating element is a direction indicator switch"; and
3. "control center manages road tolls using the generated position-related information in order to bill for usage of the toll roads."

These features are not disclosed or suggested by the current grounds of rejection.

Knockeart is directed to a vehicle information system in which a central server calculates a route to a destination and provides the calculated route to a vehicle. The vehicle can include, for example, a GPS positioning system that provides position information to the server.

Regarding the first claim element identified above, the position information provided by the vehicles of Knockeart are used for route generation and recalculation purposes. Knockeart does not disclose or suggest that the position information provided by the vehicles relates to entering and leaving toll roads and is used to bill for use of the toll road.

Regarding the second claim element identified above, the Office Action relies upon Knockeart's disclosure in column 39, lines 42-45 of the in-vehicle

system sending its estimated location and most recent direction of travel to the server. Knockeart, however, does not disclose or suggest that this is performed “in response to driver actuation of the direction-of-travel indicator operating element.” Instead, Knockeart discloses that this information is provided after a driver “selects the emergency and roadside assistance option on the user interface.”¹ This option is not a “direction indicator switch.”

The Office Action relies upon Barry’s disclosure of a hazard warning switch for the specific direction-of-travel indicators recited in now canceled claim 15. Barry, however, does not disclose or suggest a direction-of-travel indicator operating element that is a direction indicator as now recited in claim 14. Accordingly, even if one of ordinary skill in the art were motivated to combine Knockeart and Barry, the combination would not disclose or suggest the specific direction-of-travel operating element now recited in claim 14.

Regarding the third claim element identified above, the rejection of claim 14 relies upon the server of Knockeart as corresponding to the claimed control center. The server of Knockeart merely calculates routes, and can account for tolls in the calculated route. Knockeart does not disclose or suggest that the server “manages road tolls using the generated position-related information in order to bill for usage of the toll roads.”

¹ Column 39, lines 30-33.

Ukai is cited for elements recited in various dependent claims, but does not overcome the above-identified deficiencies of Knockeart and Barry. Accordingly, claim 14 is patentably distinguishable over the current grounds of rejection. Claim 24 recites similar elements to those discussed above with regard to claim 14, and is patentably distinguishable over the current grounds of rejection for similar reasons.

Dependent claims 17-23, 25-27, 29, 31, 33 and 34 are patentably distinguishable over the current grounds of rejection at least by virtue of their dependency.

For at least those reasons set forth above, it is respectfully requested that the rejection of claims 14 and 17-27, 29, 31, 33 and 34 be withdrawn.


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If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 095309.57215US).

Respectfully submitted,

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